

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARTHA ZEPEDA OLIVARES, et al.,

Plaintiffs,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:23-cv-01575-JLT-SAB

ORDER REQUIRING PLAINTIFF TO FILE A  
NOTICE OF STATUS OF SERVICE;  
CONTINUING THE MANDATORY  
SCHEDULING CONFERENCE TO MARCH 26,  
2024

(ECF No. 3)

**DEADLINE: FEBRUARY 13, 2024**

Plaintiff initiated this action on November 7, 2023 against Defendants City of Fresno and Unknown Law Enforcement Officers. (ECF No. 1.) Plaintiff has not filed any proof of service and no Defendant has filed a responsive pleading. The mandatory scheduling conference is currently set for February 20, 2024. (ECF No. 5.)

Rule 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *Id.* The order setting the scheduling conference in this matter additionally provides that: “plaintiff shall diligently pursue service of the summons and complaint and dismiss those defendants against whom the plaintiff will not pursue claims . . . [and] plaintiff shall promptly file proofs of service of the summons and complaint so the Court

1 *has a record of service.*” (ECF No. 5 at 1.) “Failure to timely serve the summons and complaint  
2 may result in the imposition of sanctions, including dismissal of unserved defendants.” (*Id.* at 2.)

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff shall file a status report **no later than February 13, 2024** addressing the  
5 status of this action and whether Defendant City of Fresno has been served;
- 6 2. The initial scheduling conference is CONTINUED to **March 26, 2024 at 11:00**  
7 **a.m., in Courtroom 9** and the parties shall file a joint scheduling report at least  
8 **seven (7) days** prior to the scheduling conference; and
- 9 3. Failure to comply with this order may result in the issuance of sanctions, up to and  
10 including dismissal of this action.

11 IT IS SO ORDERED.

12 Dated: **February 8, 2024**

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15 UNITED STATES MAGISTRATE JUDGE  
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